

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

CRIMINAL NO.: 3:15cr121-RJC

UNITED STATES OF AMERICA	)	
	)	
v.	)	CONSENT ORDER AND
	)	JUDGMENT OF FORFEITURE
(26) ROSENDO RIVAS	)	PENDING RULE 32.2(c)(2)

BASED UPON the Defendant's plea of guilty and finding that there is a nexus between the property listed below and the offense(s) to which the Defendant has pled guilty and that the Defendant (or any combination of Defendants in this case) has or had a possessory interest or other legal interest in the property, IT IS HEREBY ORDERED THAT:

1. The following property is forfeited to the United States pursuant to 18 U.S.C. § 1963, provided, however, that forfeiture of specific assets is subject to any and all third party petitions under 21 U.S.C. § 853(n), pending final adjudication herein:

- One Rossi/Taurus model R351 .38 caliber revolver, serial number TE3526 and ammunition
- One Herbert Schmidt Sierra .38 caliber revolver, serial number 14804 and ammunition
- Walther (imported by Smith & Wesson) model P22 .22 caliber pistol, serial number L207092 and ammunition
- One HiPoint model C9 9mm pistol, serial number P1605838 and ammunition
- One HiPoint model C9 9mm pistol, serial number P190145 and ammunition
- One Pietro Beretta model 92FS 9mm pistol, serial number L77605Z and ammunition
- One Imbel (imported by Springfield) model 1911A1 .45 caliber pistol, serial number WW59604 and ammunition
- One Glock model 26 9mm pistol, serial number NXD210 and ammunition
- One CZ Model CZ52 9mm pistol, serial number C07417 and ammunition
- One Harrington & Richardson model 732 .32 caliber revolver, serial number AD9172 and ammunition
- One HS Products (imported by Springfield) Model XD40 .40 caliber, serial number US227513 and ammunition
- One Charter Arms Undercover model .38 caliber revolver, serial number 431201 and ammunition
- One Colt .223 assault rifle, serial number CCH018304 and ammunition
- One Taurus model PT709 Slim 9mm pistol, serial number THW15322 and ammunition
- Approximately \$987.00 in United States currency
- Approximately \$120.00 in United States currency
- Approximately \$3,338.00 in United States currency
- One BB gun w/MS 13 etchings

- One Keltec P11 9mm pistol, serial number A3M63 and ammunition
- One Browning Buckmark 22 caliber pistol, serial number 655NT13216 and ammunition

2. The United States Marshals Service, the investigative agency, and/or the agency contractor is authorized to take possession and maintain custody of the above specific asset(s).

3. If and to the extent required by Fed. R. Crim. P. 32.2(b)(6), 21 U.S.C. § 853(n), and/or other applicable law, the United States shall publish notice and provide direct written notice of forfeiture.


4. Any person, other than the Defendant, asserting any legal interest in the property may, within thirty days of the publication of notice or the receipt of notice, whichever is earlier, petition the court for a hearing to adjudicate the validity of the alleged interest.


5. Pursuant to Fed. R. Crim. P. 32.2(b)(3), upon entry of this order, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate, or dispose of the property, including depositions, interrogatories, and request for production of documents, and to issue subpoenas pursuant to Fed. R. Civ. P. 45.

6. As to any specific assets, following the Court's disposition of all timely petitions, a final order of forfeiture shall be entered. If no third party files a timely petition, this order shall become the final order of forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2), and the United States shall have clear title to the property, and shall dispose of the property according to law.

The parties stipulate and agree that the aforementioned asset(s) constitute property derived from or traceable to proceeds of Defendant's crime(s) herein or property used in any manner to facilitate the commission of such offense(s) and are therefore subject to forfeiture pursuant to 18 U.S.C. § 1963. The Defendant hereby waives the requirements of Fed. R. Crim. P. 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment against Defendant. If the Defendant has previously submitted a claim in response to an administrative forfeiture proceeding regarding any of this property, Defendant hereby withdraws that claim. If Defendant has not previously submitted such a claim, Defendant hereby waives all right to do so. As to any firearms listed above and/or in the charging instrument, Defendant consents to destruction by federal, state, or local law enforcement authorities upon such legal process as they, in their sole discretion deem to be legally sufficient, and waives any and all right to further notice of such process or such destruction.

JILL WESTMORELAND ROSE  
UNITED STATES ATTORNEY


 *fn /cc*  
ELIZABETH F. GREENE  
WILLIAM M. MILLER  
Assistant United States Attorneys

  
ROSENDO RIVAS  
Defendant



CHARLES LINWOOD MORGAN, JR., ESQ.  
Attorney for Defendant

Signed this the 30 day of March, 2016.



UNITED STATES Magistrate JUDGE

